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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Finance (Revenue) Department

Notification

Fin(Rev)/2-36/4/950/69

In partial modification of Government Notification No. Fin(Rev)/2-36/4/622/69 dated 22-4-1969, the Government hereby directs that the date of the enforcement of the said Notification shall be 1st May, 1969 instead of 1st April, 1969 as indicated therein.

By order and in the name of the Administrator of Goa, Damam and Diu.

Puran Singh, Finance Secretary.

Panaji, 26th May, 1969.

Revenue Department

Notification

RD/TNC/RLS/108/69

The following amendment which is proposed to be made to the Goa, Damam and Diu Agricultural Tenancy Rules, 1965, is hereby pre-published. The draft will be taken into consideration after 15th July, 1969. Any person who has any suggestions to make may send them to the undersigned on or before that date.

"In exercise of the powers conferred by section 61 read with Section 13-A of the Goa, Damam and Diu Agricultural Tenancy Act, 1964, the Government hereby makes the following amendment to the Goa, Damam and Diu Agricultural Tenancy Rules, 1965, the same having been previously published.

1. This may be called the Goa, Damam and Diu Agricultural Tenancy (Sixth Amendment) Rules, 1969.

2. After rule 5 of the Goa, Damam and Diu Agricultural Tenancy Rules, 1965 (hereinafter referred

to as "the said rules"), the following rules shall be inserted, namely:—

"5-A. Manner of giving notice under section 13-A(1) and signifying readiness to purchase under section 13-A(2). — (1) A landlord intending to sell any land cultivated by a tenant shall give notice of his intention to the tenant in writing in Form I-A. He shall serve this notice on the tenant by delivering or tendering it to him or by sending it by Registered Post A.D. to his last known address. A copy of the notice shall also be sent to the Mamlatdar.

(2) On receipt of a notice under sub-section (1) of section 13-A, the tenant shall signify his readiness to purchase the land in writing in Form I-B within 30 days of the receipt of the notice to the landlord by delivering or tendering it or by sending it by Registered Post A.D. to his last known address. A copy of the letter shall also be sent to the Mamlatdar.

5-B. Manner of applying to the Collector under section 13-A(3) and manner of determining price of land under section 13-A(3):—

(1) A tenant who finds that the price at which the landlord intends to sell his land is excessive, shall make an application in duplicate to the Collector under sub-section (3) of section 13-A in Form I-C and shall present it to the Collector in person during office hours.

(2) On receipt of such application the Collector shall send a copy of the application to the landlord.

(3) The Collector shall then hold an enquiry after summoning the landlord, the tenant and their witnesses, if any, on a specified day.

(4) On the specified day or on any subsequent day to which the inquiry may be adjourned, the Collector shall take evidence of the parties and after taking into consideration the principles laid down in the Land Acquisition Act, 1894, shall pass an order determining the price of the land.

5-C. Terms on which a loan may be granted under section 13-A(7). — A loan to be granted to

a tenant under sub-section (7) of section 13-A shall be on the following terms, namely:—

(i) The amount of loan shall not exceed seventy-five percent of the price of the land at which the tenant is buying the land;

(ii) the tenant shall mortgage the land purchased by him, with the President of India till the entire loan amount and the interest payable thereon is fully paid to the Government;

(iii) the loan shall bear an interest of nine percent per annum and shall be repaid in ten equal or nearly equal instalments before such date as may be fixed by the Collector;

(iv) if a instalment of loan and the interest due on the loan is paid within the prescribed period, the tenant shall get a rebate of three percent in the rate of interest payable by him at the time of such payment;

(v) the tenant shall not be entitled to transfer in any way his interest in the land, till the loan amount and the interest due is fully repaid;

(vi) if the tenant commits any default in payment of any instalment of the interest due on the loan, the balance amount of the loan to be repaid shall become immediately recoverable and Government shall be entitled to sell the land in any manner deemed suitable by the Collector and the balance amount of the loan and the interest shall be recovered from the sale proceeds and the balance, if any, shall be handed over to the defaulting tenant."

3. In rule 23 of the said rules, —

(i) in sub-rule (1A), for the word «Government», the words «Administrative Tribunal» shall be substituted, and

(ii) in sub-rule (2), for the word «Government», the words «Administrative Tribunal» shall be substituted.

4. After Form I appended to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, following forms shall be inserted, namely:

FORM I-A
(See Rule 5 A)

Address:
Date:

Notice under section 13-A(1) of the Goa, Daman and Diu Agricultural Tenancy Act.

To,
Shri/Shrimati

Sir/Madam,

I am the landlord of the land described below which is being cultivated by you as tenant:

Description of the land

Name of the village	Name of field	Boundaries	Area

I intend to sell this land for Rs.....

As you are the tenant cultivating the aforesaid land you have the right of first purchase under sub-section (1) of section 13-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964. In pursuance of the provisions of sub-section (1) of section 13-A of the said Act, I hereby give notice to you to state within ninety days of the receipt of this notice by you, whether you are willing to buy this aforesaid land from me at the aforesaid price of Rs....

You should convey your willingness to buy the land in writing in the manner prescribed under Rule 5A(2) of the Goa, Daman and Diu Agricultural Tenancy Rules, 1965. If you fail to do so, I shall be free to sell the said land to any one at a price not lesser than the specified price.

If you feel that the price quoted by me is excessive, it is open to you to apply to the Collector under sub-section (3) of section 13-A of the said Act, in the manner prescribed in Rule 5B of the said Rules for determining the price of the said land.

Yours faithfully,

Signature of the landlord.

Copy forwarded with compliments to the Mamlatdar of ... for information.

FORM I-B
(See Rule 5-A)

Address:
Date:

To,
Shri/Smt.

Sir/Madam,

I am in receipt of your notice dated ... which was received by me on

* hereby convey my readiness to purchase the land specified in the aforesaid notice at the price of Rs. ... specified by you.

* hereby convey my readiness to purchase the land specified in the aforesaid notice. However, as I find that the price of Rs. ... specified by you for the land is excessive, I am applying to the Collector of Goa

Sub-Division under Deputy Collector have applied sub-section (3) of section 13-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 for determining the price of the land.

Yours faithfully,

Signature of the tenant.

Copy forwarded with compliments to the Mamlatdar of ... for information.

*Strike out the para which is not applicable.

FORM 3-C
[See Rule 5-B(1)]

To,

The Collector of ...

Name of the applicant
Age Address

Name of the Opponent
Age Address

Sir,

I am the tenant and the opponent is the landlord of the following land:

Taluka	Village	Name of field	Boundaries

The opponent has served on me on ... a notice under sub-section (1) of section 13-A of the Goa, Daman and Diu

Agricultural Tenancy Act, 1964, intimating his intention to sell the aforesaid land for Rs.

I am willing to buy the land. However, I consider the price of the land quoted by the landlord to be excessive for the following reasons:—

(Here mention briefly the reasons why the price is excessive)

I, therefore, hereby apply to you under sub-section (3) of section 13-A of the said Act to determine the price of the said land.

Yours faithfully,

Signature of the Applicant.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th June, 1969.

Law and Judicial Department

Notification

LD/4141/N/15/69

The Central Sales Tax (Amendment) Ordinance, 1969 (No. 4 of 1969), promulgated by the Vice-President acting as President, is hereby published for general information of the public.

V. R. Vaze, Under Secretary (Law).

Panaji, 30th June, 1969.

THE CENTRAL SALES TAX (AMENDMENT) ORDINANCE, 1969

No. 4 of 1969

Promulgated by the Vice-President acting as President in the Twentieth Year of the Republic of India.

An Ordinance further to amend the Central Sales Tax Act, 1956, and to provide for certain other connected matters.

Whereas Parliament is not in session and the Vice-President acting as President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President acting as President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Central Sales Tax (Amendment) Ordinance, 1969.

(2) It shall come into force at once.

2. **Act 74 of 1956 to be temporarily amended.**—During the period of operation of this Ordinance, the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3, 4, 5, 6, 7 and 8.

3. **Amendment of section 2.**—In section 2 of the principal Act, in clause (j), for the word “and deter-

mined in the prescribed manner”, the words “and determined in accordance with the provisions of this Act and the rules made thereunder” shall be, and shall be deemed always to have been, substituted.

4. **Amendment of section 6.**—In section 6 of the principal Act, after sub-section (1), the following sub-section shall be, and shall be deemed always to have been, inserted, namely:—

“(1A) A dealer shall be liable to pay tax under this Act on a sale of any goods effected by him in the course of inter-State trade or commerce notwithstanding that no tax would have been leviable (whether on the seller or purchaser) under the sales tax law of the appropriate State if that sale had taken place inside that State”.

5. **Insertion of new section 8A.**—After section 8 of the principal Act, the following section shall be, and shall be deemed always to have been, inserted, namely:—

“8A. **Determination of turnover.**—(1) In determining the turnover of a dealer for the purposes of this Act, the following deductions shall be made from the aggregate of the sale prices, namely:—

(a) the amount arrived at by applying the following formula—

$$\text{rate of tax} \times \text{aggregate of sale prices}$$

$$100 \text{ plus rate of tax}$$

Provided that no deduction on the basis of the above formula shall be made if the amount by way of tax collected by a registered dealer, in accordance with the provisions of this Act, has been otherwise deducted from the aggregate of sale prices.

Explanation.—Where the turnover of a dealer is taxable at different rates, the aforesaid formula shall be applied separately in respect of each part of the turnover liable to a different rate of tax;

(b) the sale price of all goods returned to the dealer by the purchasers of such goods within a period of three months from the date of delivery of the goods:

Provided that satisfactory evidence of such return of goods and of refund or adjustment in accounts of the sale price thereof is produced before the authority competent to assess or, as the case may be, re-assess the tax payable by the dealer under this Act; and

(c) such other deductions as the Central Government may, having regard to the prevalent market conditions facility of trade and interests of consumers, prescribe.

(2) Save as otherwise provided in sub-section (1), in determining the turnover of a dealer for the purpose of this Act, no deduction shall be made from the aggregate of the sale prices”.

6. **Substitution of new section for section 9.**—For section 9 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

“9. **Levy and collection of tax and penalties.**—(1) The tax payable by any dealer under this Act

on sales of goods effected by him in the course of inter-State trade or commerce, whether such sales fall within clause (a) or clause (b) of section 3, shall be levied by the Government of India and the tax so levied shall be collected by that Government in accordance with the provisions of sub-section (2), in the State from which the movement of the goods commenced:

Provided that, in the case of a sale of goods during their movement from one State to another, being a sale subsequent to the first sale in respect of the same goods, the tax shall, where such sale does not fall within sub-section (2) of section 6, be levied and collected in the State from which the registered dealer effecting the subsequent sale obtained or, as the case may be, could have obtained, the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods.

(2) Subject to the other provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the general sales tax law of the appropriate State shall, on behalf of the Government of India, assess, re-assess, collect and enforce payment of tax, including any penalty, payable by a dealer under this Act as if the tax or penalty payable by such a dealer under this Act is a tax or penalty payable under the general sales tax law of the State; and for this purpose they may exercise all or any of the powers they have under the general sales tax law of the State; and the provisions of such law, including provisions relating to returns, provisional assessment, advance payment of tax, registration of the transferee of any business, imposition of the tax liability of a person carrying on business on the transferee of, or successor to, such business, transfer of liability of any firm or Hindu undivided family to pay tax in the event of the dissolution of such firm or partition of such family, recovery of tax from third parties, appeals, reviews, revisions, references, refunds, rebates, penalties, compounding of offences and treatment of documents furnished by a dealer as confidential, shall apply accordingly:

Provided that if in any State or part thereof there is no general sales tax law in force, the Central Government may, by rules made in this behalf, make necessary provision for all or any of the matters specified in this sub-section.

(3) The proceeds in any financial year of any tax, including any penalty, levied and collected under this Act in any State (other than a Union territory) on behalf of the Government of India shall be assigned to that State and shall be retained by it; and the proceeds attributable to Union territories shall form part of the Consolidated Fund of India".

7. Amendment of section 10A. — Section 10A of the principal Act shall be, and shall be deemed always to have been, re-numbered as sub-section (1) of that section and after the said sub-section (1), the following sub-section shall be, and shall be deemed always to have been, inserted, namely: —

"(2) The penalty imposed upon any dealer under sub-section (1) shall be collected by the

Government of India in the manner provided in sub-section (2) of section 9 —

(a) in the case of an offence falling under clause (b) or clause (d) of section 10, in the State in which the person purchasing the goods obtained the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods;

(b) in the case of an offence falling under clause (c) of section 10, in the State in which the person purchasing the goods should have registered himself if the offence had not been committed".

8. Amendment of section 13. — In section 13 of the principal Act, in clause (f) of sub-section (1), for the word, brackets and figure "sub-section (3)" the word, brackets and figure "sub-section (2)" shall be, and shall be deemed always to have been, substituted.

9. Validation of assessments, etc. — (1) Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any assessment, re-assessment, levy or collection of any tax made or purporting to have been made, any action or thing taken or done in relation to such assessment, re-assessment, levy or collection under the provisions of the principal Act before the commencement of this Ordinance, shall be deemed to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the principal Act as amended by this Ordinance and accordingly —

(a) all acts, proceedings or things done or taken by the Government or by any officer of the Government or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax; and

(c) no court shall enforce any decree or order directing the refund of any such tax.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person —

(a) from questioning in accordance with the provisions of the principal Act, as amended by Ordinance, any assessment, re-assessment, levy or collection of tax referred to in sub-section (1), or

(b) from claiming refund of any tax paid by him in excess of the amount due from him by way of tax under the principal Act as amended by this Ordinance.

10. Exemption from liability to pay tax in certain cases. — (1) Where any sale of goods in the course of inter-State trade or commerce has been effected during the period between the 10th day of November, 1964, and the commencement of this Ordinance, and the dealer effecting such sale has not collected any tax under the principal Act on the ground that no such tax could have been levied or collected in

respect of such sale or any portion of the turnover relating to such sale and no such tax could have been levied or collected if the amendments made in the principal Act by this Ordinance had not been made, then, notwithstanding anything contained in section 9 or the said amendments, the dealer shall not be liable to pay any tax under the principal Act, as amended by this Ordinance, in respect of such sale or such part of the turnover relating to such sale.

(2) For the purposes of sub-section (1), the burden of proving that no tax was collected under the principal Act in respect of any sale referred to in sub-section (1) or in respect of any portion of the turnover relating to such sale shall be on the dealer effecting such sale.

V. V. GIRI,

Vice-President acting as President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.

Notification

LD/9/N/16/69

In continuation of Government Notification No. LD/9-N-102-68-69 dated the 24th March, 1969, published in the Government Gazette No. 52, I Series, dated the 27th March, 1969, whereby facilities were granted for the change of names of the individuals concerned, notwithstanding anything contained in the Codigo do Registo Civil and all other legislation in this behalf, the Administrator of Goa, Daman and Diu, in exercise of the powers conferred by clause 2 of the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, and all other powers enabling him in that behalf, extends the said facilities for the change of names for a further period of three (3) months with effect from the date of publication of this notification in the Government Gazette.

By order and in the name of the Administrator of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 2nd July, 1969.

Corrigendum

LD/2/48/N-17-69

In Goa, Daman and Diu Appropriation (Vote on Account) Act, 1969 published under Government Notification No. LD/2/48/69-N.4 in the Government Gazette Series I No. 4 dated 24th April, 1969 for the words, brackets and figures «(Act No. 5 of 1969)» wherever they occur, the words, brackets and figures «(Act No. 6 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Corrigendum

LD/2/45/N-18-69

In the Goa, Daman and Diu Appropriation (Excess Expenditure) Act, 1969 published under Government Notification No. LD/2/45/69-N.2 in the Government Gazette Series I No. 4 dated 24th April, 1969 for the words, brackets and figures «(Act No. 3 of 1969)» wherever they occur the words, brackets and figures «(Act No. 4 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Corrigendum

LD/2/47/N-19-69

In Goa, Daman and Diu Appropriation (Excess Expenditure) Act, 1969 published under Government Notification No. LD/2/47/69-N-3 in the Government Gazette Series I No. 4 dated 24th April, 1969 for words, brackets and figures «(Act No. 4 of 1969)» wherever they occur the words, brackets and figures «(Act No. 5 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Corrigendum

LD/2/46/N-20-69

In the Goa, Daman and Diu Supplementary Appropriation Act, 1969 published under Government Notification No. LD/2-46-N-1/69 in the Government Gazette Series I No. 3 dated 17th April, 1969 for words, brackets and figures «(Act No. 2 of 1969)» wherever they occur, the words, brackets and figures «(Act No. 3 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Corrigendum

LD/2A/2/N-21-69

In Goa, Daman and Diu Building (Lease Rent and eviction) Control Act, 1968 published under Government Notification No. LD/2A/2/68 in the Government Gazette Series I No. 51, dated 20th March, 1969 for the words, brackets and figures «(Act No. 15 of 1968)» wherever they occur, the words, brackets and figures «(Act No. 2 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Corrigendum

LD/2/27/N-22-69

In the Goa, Daman and Diu Municipalities Act, 1968 published under Government Notification No. LD/2/37-68/69-N-6 in the Government Gazette Series I No. 7, dated 16th May, 1969, for the brackets,

words and figures «(Act No. 16 of 1968)» wherever they occur, the brackets, words and figures «(Act No. 7 of 1969)» shall be substituted.

V. R. Vaze, Under Secretary (Law).

Panaji, 2nd July, 1969.

Industries and Power Department

Corrigendum

8/52/68-Ports

Subject: Revision of ferry rates.

The following sentence appearing in para 2 of Government Order of even number dated 10-4-1969 should be deleted:

«The charges will be arrived at by multiplying by 30 the two-way fare at old rates between the given points.

This order comes into force with effect from 7-7-1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. H. Sakhalakar, Under Secretary, Industries and Labour.

Panaji, 7th July, 1969.

Labour and Information Department

ORDER

LC/1/69

The following Notification from the Government of India, Ministry of Labour, Employment & Rehabilitation, (Department of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 23rd June, 1969.

Dated the 28th May, 1969

Notification

G. S. R. — In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following rules further to amend the Industrial Disputes (Central) Rules, 1957, the same having been previously published, as required by sub-section (1) of the said section, namely:—

1. These rules may be called the Industrial Disputes (Central) Amendment Rules, 1969.

2. In rule 61 of the Industrial Disputes (Central) Rules, 1957,—

(1) in sub-rule (1), for the figures, abbreviation and word, "30th September", the figures, abbreviation and word, "30th April" shall be substituted;

(2) in sub-rule (2) after the words "protected workmen" occurring at the end, the words "for the period of twelve months from the date of such communication" shall be inserted.

(F. No. 2/1/67-LRI-Am.I)

S. S. SAHASRANAMAN
Under Secretary

ORDER

LC/1/69

The following Notification from the Government of India, Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 23rd June, 1969.

Notification

Dated the 28th May, 1969

G. S. R. — In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following rules further to amend the Industrial Disputes (Central) Rules, 1957, the same having been previously published as required by sub-section (1) of the said section, namely:—

1. (1) These rules may be called the Industrial Disputes (Central) Second Amendment Rules, 1968.

(2) They shall come into force at once.

2. In rule 10B of the Industrial Disputes (Central) Rules, 1957 —

(1) for the proviso to sub-rule (1), the following proviso shall be substituted, namely:—

"Provided that where the Labour Court, Tribunal or National Tribunal, as the case may be, considers it necessary, it may —

(a) extend the time limit for filing of such statement; or

(b) reduce the time limit for filing of such statement to one week in emergent cases for reasons to be recorded in writing; or

(c) where both the parties agree, reduce the time limit for filing of such statement as per agreement; or

(d) where both the parties agree, dispense with the requirement of filing such statement altogether.

(2) for the second proviso to sub-rule (2), the following proviso shall be *substituted*, namely: —

“Provided further that where the Labour Court, Tribunal or National Tribunal, as the case may be, considers it necessary, it may —

- (a) extend the time limit for filing of such rejoinder; or
- (b) reduce the time limit for filing of such rejoinder to one week in emergent cases for reasons to be recorded in writing; or
- (c) where both the parties agree, reduce the time limit for filing of such rejoinder as per agreement; or
- (d) where both the parties agree, dispense with the requirement of filing such rejoinder altogether”.

(F. No. 2/2/67-LRI. Am. II)

S. S. SAHASRANAMAN
Under Secretary

ORDER

LC/1/69

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 24th June, 1969.

Notification

Dated the 2nd June, 1969

S. O. — Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 4519 dated the 13th December, 1968, the banking industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said act, for a period of six months from the 29th December, 1968;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for

the purposes of the said Act for a further period of six months from the 29th June, 1969.

(F. No. 1/37/69-LRI).

S. S. SAHASRANAMAN
Under Secretary.

Mormugao Port Trust

Notification

MPT/8-GA(4)/69

In supersession of the Notification No. MPT/8-GA(4)/67 dated the 29th May, 1967 published in the Official Gazette Nos. 10 and 11, Series I, dated the 8th and 15th June, 1967, respectively, the following modified Mormugao Port Employees' (Medical Attendance) Regulations, 1969 adopted by the Board of Trustees are hereby published as required under Section 124(2) of the Major Port Trusts Act, 1963.

RE-DRAFT OF MEDICAL ATTENDANCE REGULATIONS

I — General

1. (i) These Regulations may be called the Mormugao Port Employees' (Medical Attendance) Regulations, 1969.

(ii) They shall come into force from the date on which approval of the Central Government is published in the Gazette.

2. They shall apply to all employees of the Board and their families as defined in Regulation 3.

3. Definition: In these Regulations, unless there is anything repugnant in the subject or context —

(a) “Authorised Medical Attendant” means any Doctor of the Board.

(b) “Board” and “Chairman” shall have the meaning assigned to them in the Major Port Trusts Act, 1963.

(c) “Employee” means an employee of the Board and includes:

(i) all employees who are on leave preparatory to retirement or on refused leave taken immediately after the date of compulsory retirement or on the expiry of an extension of service;

(ii) re-employed employees;

(iii) employees on terminal leave;

(iv) employees on deputation with the Board;

(v) apprentices who are in whole time service of the Board;

(vi) probationers;

(vii) daily rated and casual labour, other than labour employed through contractors, when injured on duty;

but does Not include:

(viii) retired Board employees.

Exception: Daily rated and casual labour, other than labour employed through contractors, who have been in continuous service for six months shall be

entitled to medical attendance/treatment to the extent that facilities and medicines are available in the Board's Hospital/Dispensary.

Note 1: The term "continuous service" includes weekly day of rest, paid holidays and authorised absence.

Note 2: The extent of medical relief to be provided to the employees who may be abroad either on leave or on deputation will be regulated by specific orders of the Board to be obtained in each case.

(d) "Family" means an employee's wife or husband as the case may be, and parents (including step-parents), children (including legally adopted children) and step-children, widowed daughters, if residing with and wholly dependant on the employee, but does NOT include the family of daily rated and casual labour or of the labour employed through a contractor.

Note 1: The condition of residence and dependency applies only to the members other than wife/husband as the case may be.

Note 2: The husband or wife of an employee as the case may be employed in a Central or State Government Department or in a Corporation/Undertaking/Bodies financed partly or wholly by the Central or the State Government, local bodies and private organisations, which provide medical services would be entitled to choose either the facilities provided under these Regulations or the medical facilities provided by the organisations in which he/she is employed.

Note 3: In a case where both husband and wife are employees of the Board they as well as their eligible dependants may be allowed to avail of the medical concessions according to his/her status.

Note 4: Sons and unmarried daughters of an employee who are gainfully employed and are not wholly dependant on him/her are not eligible for the medical concession under these Regulations.

(e) "Geographical limits" means Mormugao Harbour (inclusive of Headland) and Vasco da Gama (inclusive of Vaddem) and other neighbouring areas not beyond 8 kilometers from the Port Hospital by road.

(f) "Government Hospital" includes all hospitals recognised by the State Government for medical attendance and for treatment of their employees and/or members of their families.

(g) "Medical Attendance" means attendance in hospital or at the residence of the employees including such pathological, bacteriological, radiological, cardiological or other methods of examination for the purpose of diagnosis and such consultation with a specialist as may be considered necessary by the Medical Officer.

(h) "Medical Officer" means the Medical Officer of the Board.

(i) "Patient" means an employee and/or a member of his family to whom these Regulations apply and who has fallen ill.

(j) "Private Doctor" and "Private Hospital" means a registered medical practitioner/hospital other than the Board's doctors/hospital.

(k) "Treatment" means the use of all medical and surgical facilities available at the Hospital/Dispensary in which the patient is treated and includes:

(i) the employment of such pathological, bacteriological, radiological, cardiological or other methods as are considered necessary by the Authorised Medical Attendant;

(ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;

(iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available as the Authorised Medical Attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient;

(iv) such accommodation as is ordinarily provided in the hospital as is suited to his status;

(v) such nursing as is ordinarily provided to in-patients by the hospital;

(vi) the specialist consultation described in sub-regulation (g) but does not include diet or provision at the request of the patient of accommodation superior to that described in sub-regulation (iv) above;

(vii) confinement of a female employee, and in the case of a male employee, of his wife.

4. A patient shall be entitled, free of charge to medical attendance by the Authorised Medical Attendant.

5. (i) When the place at which a patient falls ill is not within the geographical limits of the Board's Hospital/Dispensary the patient shall be entitled to Travelling Allowance for the journey to and from the place of treatment, provided the distance travelled exceeds 8 Kms. each way, and provided further that no Travelling Allowance will be admissible if the patient seeks medical attendance and treatment from a private doctor or in a private hospital, nursing home, etc. on his/her own accord.

(ii) applications for Travelling Allowance under sub-regulation (i) shall be accompanied by a certificate in writing by the Doctor-in-charge of the case stating that medical attendance was necessary.

6. (1) with the prior approval in writing of the Medical Officer a patient may be referred to a specialist or other Doctor if:

(a) in his opinion such medical attendance is required for the patient; or

(b) if the patient is too ill to travel, summon such specialist or other Doctor to attend upon the patient.

(2) A patient sent under clause (a) of sub-regulation (1) shall, on production of a certificate in writing by the Medical Officer in this behalf, be entitled to Travelling Allowance for the journeys to and from the headquarters of the specialist or other Doctor.

7. A patient shall be entitled free of charge to treatment in the Board's Hospital/Dispensary.

II — Diet charges

8. Notwithstanding anything contained in these Regulations, a patient hospitalised in the Board's

Hospital shall be charged on account of diet supplied as under:—

(i) in the case of employees suffering from tuberculosis or mental diseases, drawing pay upto Rs. 380/- per month, and employees suffering from any disease/diseases, other than tuberculosis or mental diseases, drawing pay upto Rs. 180/- per month Nil.

(ii) In the case of employees suffering from tuberculosis or mental diseases drawing pay of Rs. 381/- per month and above upto Rs. 500/- per month, and employees suffering from any diseases, other than tuberculosis or mental diseases drawing pay of Rs. 181/- per month and above upto Rs. 500/- per month — Rs. 1.50 per day.

(iii) In case of employees drawing pay of Rs. 501/- and above per month — Rs. 2.50 per day.

III — Visits

9. An employee or a member of his family who, due to the severity of his illness, is unable to come personally to the Board's Hospital/Dispensary for the necessary medical attendance and treatment, may request the Authorised Medical Attendant, if available, to attend on him at his residence. No fees or other charges shall be chargeable.

10. The right of calling to his residence the Authorised Medical Attendant under Regulation 9 above is not available to an employee living beyond the geographical limits of the Board's Hospital/Dispensary.

11. In all cases of minor ailments or where they are not too ill to travel, the patients must personally attend at the Board's Hospital/Dispensary for the necessary medical attendance and treatment.

IV — Reimbursement of cost of medicines etc.

12. All medicines prescribed by the Authorised Medical Attendant or by specialists consulted on the advice of the Medical Officer shall be supplied free of cost from the Board's Hospital/Dispensary. If any medicines, vaccines, sera, injectiles or other therapeutical substances are not available at the Board's Hospital/Dispensary, the same may be either purchased by the employee at his own cost and he shall subsequently be reimbursed the cost on the certification of the Authorised Medical Attendant or may be obtained by him from the pharmacies at Vasco da Gama against requisitions issued by the Authorised Medical Attendant.

Note 1: The refund of the cost of preparations which are not medicines but are primarily foods, tonics, toilet preparations or disinfectants is *NOT* admissible under these Regulations.

For this purpose the orders issued from time to time by the Director General of Health Services, New Delhi, shall be followed from the date it is notified by the Board.

Note 2: Sales Tax paid by an employee while purchasing special medicines from the market is refundable.

13. In the case of patients suffering from diabetes, refund in respect of the cost of any anti-diabetic drug, viz. Insulin, Nadisan Tablet, Talbutamide etc.

and the expenditure incurred on administration thereof shall not be allowed except in cases where it is prescribed in the initial stage of the disease or when the patient develops some complications and is hospitalised.

Note: The term "initial stage of the disease" means "within a period of three months after detection of the disease".

Cases of treatment (other than hospitalisation) for recurrence of the disease beyond the initial stage may be considered by the Chairman as a special case depending on the merits of each case and advice tendered by the Medical Officer.

14. The fees paid by an employee to a specialist or consultant in terms of Regulation 6(1) above shall be reimbursed by the Board.

15. (1) An employee or a member of his family suffering from an illness for which facilities for proper diagnosis or suitable treatment are not available at the Board's Hospital/Dispensary or cannot be provided by the Board's Medical Department will be entitled to seek the necessary attendance and treatment as either an out-patient or an in-patient at a Government Hospital, if so advised by the Medical Officer, in which case, the hospital fees and charges will be borne by the Board in full.

(2) An employee, who lives or happens to be beyond the geographical limits of the Board's Hospital/Dispensary or an ailing member of such an employee's family, shall place himself or such member of his family under treatment of the nearest Government Hospital without the prior approval of the Medical Officer and he shall in such cases be reimbursed the cost of such attendance and treatment in full.

Note 1: The liability of the Board to reimburse employees undergoing treatment at a Government Hospital, their expenses to the extent mentioned in this Regulation, will be limited to the fees and charges levied by the hospital for medical attendance, medicines, laboratory and other investigations, X-Ray examinations, surgical operations and normal nursing. The cost of special nursing, tonics and restoratives shall be borne by the employee himself. If, in connection with such hospital treatment, an employee is required to purchase any medicines, injectiles, etc. which are not available at the hospital, he shall be reimbursed the cost of such medicines, injectiles, etc. subject to his producing a certificate, duly signed by the Doctor-in-charge of the case. The cost of diet shall be reimbursed to the extent the amount actually paid exceeds the limits prescribed in Regulation 8 above.

Explanation 1. In the case of reimbursement of medical expenses incurred by employees on hospitalisation for themselves and members of their families in hospitals other than the Board's Hospital, the tariffs of which indicate a flat inclusive charge per diet, the diet charges will be regulated as follows:—

- (a) where the flat charge made by the hospital includes —
- (1) diet
 - (2) accommodation
 - (3) ordinary nursing, and
 - (4) medical and surgical services,

20% of the flat charge will be reckoned as diet charges; and

(b) where the flat charge made by hospital includes

- (1) diet,
- (2) accommodation
- (3) ordinary nursing only, but not charges for medical and surgical services,

50% of the flat charge will be reckoned as diet charges.

Explanation 2: Hospital treatment referred to in the above Regulation does not include treatment undergone in a private hospital or nursing home, a nursing home attached to a Government Hospital, nor shall it include treatment in a Sanatorium for tubercular patients or other specialised institutions.

Note 2: In advising under Regulation 15 above, to an employee undergoing treatment at a hospital in which different classes of accommodation are provided, the Medical Officer of the Board shall indicate the particular class to which the employee is entitled; the reimbursement of hospital fees and charges being made on the basis of the class approved by the Medical Officer.

Note 3: The bill of the hospital in the cases mentioned in Regulation 15 above shall be sent by the employee to the Medical Officer of the Board who shall scrutinise it and certify thereon the amount payable by the Board. In scrutinising such bills the Medical Officer shall have the power to disallow any items which he may consider as falling under the category of special nursing, extra diet, tonics, restorative, etc.

16. If in the opinion of the Medical Officer it is necessary for an employee or a member of his family to be admitted to a private hospital or nursing home or a nursing home attached to a Government Hospital, he may send the patient to such private hospital or nursing home and the Board shall pay the cost of such treatment. Should consultation with a specialist be considered necessary by the Doctor-in-charge of the case he shall arrange for such consultation and the fees of the Consultant or Specialist shall be payable by the Board. Similarly, should it be necessary to summon a Surgeon and an Anaesthetist to perform an operation on the patient, the fees of such Surgeon and Anaesthetist together with the incidental expenses including charges levied by the private hospital or nursing home for the use of its operation theatre shall be borne by the Board provided further that the liability of the Board in such cases shall be limited as prescribed in Note (1) below Regulation 15(2) above. The cost of special nursing, special diet, tonics and restoratives shall, however, be borne by the employee himself.

The procedure for the submission of bills for reimbursement will be the same as prescribed in Note (3) below Regulation 15 above.

17. Except as provided in Regulation 16 above, the cost of medical attendance and treatment received in a private hospital, nursing home etc. shall not be reimbursed; provided that in emergent circumstances and due to severity of the ailment, where medical attendance and treatment have been received from a private doctor or in a private hospital due to the non-existence of any Government Hospital within a reasonable distance from the place

where the patient fell ill, the Chairman may authorise the reimbursement of the cost of such treatment incurred by the patient a sum equivalent to the cost of such treatment as he would have been entitled free of charge, to receive under these Regulations if he had not been treated by such private doctor or in such private hospital, nursing home etc.

18. Reimbursement of charges incurred on treatment for immunising and prophylactic purposes in a Government Hospital in the case of communicable diseases viz. (1) Cholera, (2) Typhoid group of fevers (TAB), (3) Plague, (4) Diphtheria, (5) Whooping Cough (6) Tetanus and (7) Polio shall be allowed to an employee and members of his/her family provided that the local authorities such as Municipalities, local boards, etc. have no arrangements for providing such treatment, and a certificate to this effect is endorsed by the Authorised Medical Attendant on the claim for reimbursement of such expenses.

19. The cost of vaccination, inoculations and injections for prophylactic and immunising purposes before commencement of international travel by employees and their families in order to procure health certificates required under international travel regulations shall be reimbursed to him/them provided they are travelling on duty or on authorised leave in circumstances in which they are entitled to fares at the Board's expense.

20. Expenses incurred on dental treatment whether obtained at a Government Hospital or by a private dentist shall not be reimbursed under any circumstances whatsoever even if it is had on the advice of the Authorised Medical Attendant, but if the diagnosis of the physiological or other disability from which an employee and/or a member of his family is suffering indicates that teeth are the real/source of disturbance, he shall be entitled to reimbursement of the cost of treatment, provided it is of a "major" kind and it is received in a Government Hospital.

Explanation: The term "major kind" means treatment of a jaw-bone disease, wholesale removal of teeth, surgical operations needed for removal of odontoes and impacted wisdom-tooth and treatment of gum boils (surgery of the mouth) but does not include filling or scaling of teeth, or supply of artificial denture or treatment of pyorrhoea of teeth and gingivitis.

21. (a) Employees may have their eyesight tested for glasses at a Government Hospital on the recommendation of the Medical Officer. Fees paid to the specialist for such services will be reimbursed according to the scheduled rates prescribed by the local Government. This concession does not include the provision of spectacles at the Board's expense.

(b) Treatment by a private oculist is not admissible under any circumstances whatsoever even if it is had on the advice of the Authorised Medical Attendant.

(c) Families of employees are not entitled to the concession contained in this Regulation in any circumstances.

22. Expenditure incurred by an employee or a member of his family on treatment for "venereal

diseases" and "delirium tremens" shall not be reimbursed in any circumstances.

23. (1) Reimbursement of expenditure incurred on pre-natal and post-natal treatment of the wife of an employee or a female employee shall be allowed in the same way as treatment for any other disease.

Explanation: The term "pre-natal" and "post-natal" treatment, means treatment received before and after child-birth or abortion/miscarriage for physiological or other disability attributable to child-bearing or child-birth.

(2) Cottage booking fee, admission fee, dhobi charges and charges for an ayah are not refundable but anaesthetic fees are refundable under these Regulations.

24. Expenses incurred in connection with an operation for sterilisation and/or loop insertion are refundable.

25. The cost of confinement charges at the residence of the employee concerned shall be reimbursed provided the delivery is conducted by the staff of Child Welfare and Maternity Centres or similar institution maintained by Government or local bodies. Reimbursement in such cases shall be admissible according to the scheduled rates of such centres.

V — Ambulance charges

26. The Board's ambulance shall be supplied free to convey non-ambulatory and emergent cases from the residence or place of work of the employee to the Board's Hospital/Dispensary or to the nearest Government Hospital, or from the Board's Hospital/Dispensary to the nearest Government Hospital, as may be recommended by the Authorised Medical Attendant.

27. The Board's ambulance shall not be available to convey an employee or a member of his family from Hospital/Dispensary to his residence, except when recommended by the Medical Officer.

28. An employee shall be entitled to reimbursement of charges paid for an ambulance used for his conveyance or the conveyance of members of his family, subject to the following conditions:

(i) if it is certified in writing by the attending Medical Officer that the conveyance of the patient by any other means of conveyance would have endangered the life of the patient or would have seriously aggravated the condition of his/her health;

(ii) if the ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another for purposes of certain medical examination, etc. and

(iii) if the ambulance used belongs to Government or a local fund, or a social service organisation such as the Red Cross Society, etc.

Note: The ambulance charges incurred by an employee are not refundable when the ambulance is required to convey the patient from the hospital to the residence except when recommended by the Medical Officer.

VI — Special diseases

A — Tuberculosis

29. (i) An employee or a member of his family suffering from tuberculosis shall be entitled to consult any Government specialist in tuberculosis diseases or if such a specialist is not available any other specialist in T. B. diseases recognised as such by the Central/State Government for their employees or as recommended by the Authorised Medical Attendant:

(ii) The fees paid to such specialists for consultations shall be reimbursed to the employee.

30. If such specialist in T. B. diseases certifies that treatment in a T. B. Sanatorium is necessary the employee or the member of his family shall be entitled to treatment at a recognised Sanatorium or T. B. Institution irrespective of its place of location which can, in the opinion of the T. B. specialist, provide the necessary and suitable treatment and where accommodation is available. In other cases, in which, in the opinion of the T. B. specialist, the patient concerned does not require treatment in a T. B. Sanatorium, he shall be entitled to receive treatment in a hospital within the State which can provide the necessary treatment.

31. A patient suffering from T. B. who fails to get accommodation in a recognised T. B. Institution or for whom treatment as an in-patient in a Government Hospital and/or a recognised T. B. Institution is *NOT* considered necessary, may be allowed to receive treatment:

(i) at the out-patient department of a Government Hospital and/or a recognised T. B. Institution at or near the place where he fell ill;

(ii) at the Consulting Room of the T. B. specialist.

Provided that: —

(i) treatment at the out-patient department of a Government Hospital and/or a recognised T. B. Institution or at the Consulting Room of a Government and/or recognised T. B. specialist is taken only on the advice of the Government specialist or the specialist recognised as such by the Central/State Governments or the specialist recommended by the Authorised Medical Attendant.

(ii) a certificate signed by the said specialist is submitted to the effect that the patient was advised to receive treatment as an out-door patient/at the consulting room of the T. B. Specialist as he/she failed to get necessary accommodation at the recognised T. B. Institution or treatment as an in-patient in a recognised T. B. Institution was not considered necessary;

(iii) a certificate from the Authorised Medical Attendant and/or the Government recognised T. B. specialist or the T. B. specialist recommended by the Authorised Medical Attendant is submitted to the effect that the patient has reasonable chances of recovery if treated otherwise than as an in-patient in a recognised T. B. Institution.

Note: The cost of medicines shall be reimbursed in full if otherwise admissible under these Regulations. The cost of medicines will include the cost of

drugs injected, but not the professional fees for administering the injections.

32. A T. B. patient, who has undergone treatment in a recognised T. B. Sanatorium as provided for in these Regulations and who is advised by the Medical Superintendent of the Sanatorium to continue certain treatment or check-ups after his/her discharge from the Sanatorium or when he/she gets a relapse, may consult and receive treatment directly from a Government and/or a recognised T. B. Specialist, without consulting the Authorised Medical Attendant.

33. The reimbursement of medical expenses incurred by an employee for follow-up treatment shall be allowed in the same manner and subject to the same general conditions/restrictions prescribed for treatment of T. B. otherwise than as an in-patient.

34. Reimbursement of medical expenses incurred on further treatment for T.B. either as an in-patient or as an out-patient or at the consulting room of the Authorised Medical Attendant/Specialist shall be admissible, provided that such further treatment has been advised during the course of follow-up treatment and received by the patient in accordance with the orders in force regarding treatment of tuberculosis, to the extent and subject to the conditions laid down in these Regulations.

35. The grant of Travelling Allowance in connection with treatment including post-treatment, check-up for T. B. received in recognised Sanatorium shall be regulated as follows:

The outward journey shall be deemed to have commenced from which the patient actually travels, whichever is nearer to the Sanatorium. Similarly, the return journey will be deemed to have ended at the headquarters or at the place to which the patient actually travels whichever is nearer.

B — Cancer

36. (1) An employee or a member of his family may receive treatment for cancer, at the nearest recognised hospital providing such treatment, subject to the condition that such treatment is recommended by the Medical Officer.

(2) If the Medical Superintendent of the recognised hospital to whom the patient was sent by the Medical Officer recommends that special treatment at the Tata Memorial Hospital Bombay, or at the Cancer Institute, Madras, or a similar other centre in India is necessary, such a patient may also receive treatment at those centres.

Note: "Recognised Hospital" for the purpose of this Section means any hospital recognised for this purpose by the Central/State Governments.

37. An employee or a member of his family suffering from cancer who is sent to a recognised hospital for treatment under the advice of the Medical Officer or by the Medical Superintendent of the recognised hospital to the hospital for specialised treatment shall be entitled to Travelling Allowance for the outward and return journey as laid down in Regulation 35.

38. The concessions allowed to an employee and for members of his family for treatment of cancer shall

also be deemed to be applicable in the case of Hodgkin's disease and "Leukaemia".

C — Poliomyelitis

39. (1) An employee or a member of his family suffering from Poliomyelitis may receive treatment at the nearest recognised hospital providing such treatment (even if it falls outside the State in which the patient falls ill) subject to the condition that such treatment is recommended by the Medical Officer.

(2) If the Medical Superintendent of the recognised hospital recommends that specialised treatment at the Children's Orthopaedic Hospital, Bombay, is necessary, then only shall the patient be entitled to receive treatment there at the Board's expense.

Note: "Recognised Hospital" for the purpose of this section means any hospital recognised for this purpose by the Central/State Governments.

40. An employee or a member of his family suffering from Poliomyelitis who is sent to a recognised hospital for treatment under the advice of the Authorised Medical Attendant or by the Medical Superintendent of the recognised hospital to the Children's Orthopaedic Hospital, Bombay, shall be entitled to Travelling Allowance for the outward and inward journeys as laid down in Regulation 35.

41. The concessions allowed to an employee and for members of his family for treatment of Poliomyelitis shall also be deemed to be applicable in the case of "Cerebral Palsy" and "Spastics".

D — Mental diseases

42. An employee or a member of his family suffering from mental diseases may receive consultation and/or treatment in the nearest Government recognised Mental Hospital on the advice of the Medical Officer subject to the condition that the duration of the treatment for which reimbursement of medical expenses shall be admissible shall not exceed six months unless the Medical Superintendent of the Mental Hospital concerned certifies that treatment for a reasonable period upto six months beyond the six months limit is likely to lead to complete recovery of the patient.

43. An employee or a member of his family suffering from mental diseases who is sent to a recognised hospital for treatment under the advice of the Medical Officer shall be entitled to Travelling Allowance for the outward and return journeys as laid down in Regulation 35.

E — Diet charges

44. Reimbursement of diet charges in respect of hospitalisation under this section shall be allowed in the same manner and to same extent as prescribed in Note (1) below Regulation 15(2) and explanation (1) thereunder.

VII — Travelling Allowance

45. Travelling Allowance to an employee or member of his family for journeys undertaken by them to obtain appropriate medical attendance and treat-

ment to which they are entitled under the aforesaid Regulation shall be regulated as hereinafter specified.

46. (i) *Journey by Rail*: (a) For the employee: Fare of the entitled class or of the lower class by which he actually travels, *plus* incidentals as for a journey on tour under the rules in force (but without halting allowance).

(b) For the member of his family: Fare of the class by which the employee is entitled to travel on tour under the rules in force or the lower class by which they actually travel.

Note: The facility of travel by air-conditioned accommodation at the Board's expense is not admissible for journeys performed for receiving medical attendance and treatment.

(ii) *Journey by Road*: (a) For the employee: For the road portion of the journey or for journeys between stations connected by road only, actual fare paid for the journey by bus or other public conveyance or road mileage as on tour admissible under the rules in force whichever is less.

(b) For the members of his family: Actual fare paid for the journey by bus or other public conveyance, or mileage allowance at half the rate of road mileage admissible to the employee, whichever is less.

(iii) *Journey by Steamer*: For an employee and members of his family: Single steamer fare of the class by which the employee is entitled to travel by steamer on tour or transfer under the Travelling Allowance Rules in force or of the lower class by which a patient actually travels.

(iv) *Journey by Air*: Travelling Allowance by air is not admissible for the journeys undertaken to receive medical attendance and treatment authorised under these Regulations, irrespective of whether or not the employees concerned is otherwise entitled to travel by air at his discretion on official duty. The Board may, however, consider refund of air fare paid in individual cases on merits provided it is satisfied that air travel was absolutely essential and that travel by any other means i. e. by rail or road, etc. would have endangered the life of the patient or involved a risk of serious aggravation of his/her condition. In any case of an employee or a member of his family travelling by air for the purpose at his/her discretion is entitled to claim Travelling Allowance to the extent provided in sub-regulation (i) to (iii) above.

(v) *Journey by other means of conveyance*: If the patient travels by means of conveyance other than those specified in this Regulation or by his/her private conveyance, Travelling Allowance shall be admissible to the extent otherwise admissible under this Regulation.

47. Travelling Allowance at the rates specified in Regulation 46 above shall be admissible only when:—

(a) The journey undertaken is outside the limits of the same city—Municipal or Corporation area—and exceeds 8 kilometres each way; and

(b) it is certified in writing by the Authorised Medical Attendant or by the specialist to whom the patient was referred by the Medical Officer or by a competent Doctor attached to the hospital to which the patient was referred by the Medical Officer for medical attendance and treatment, that the

journey was unavoidably necessary to obtain appropriate medical attendance and treatment under these Regulations.

48. Where the journey is undertaken within the same city—Municipal or Corporation area—and the distance travelled is more than 8 kilometres each way, an employee and members of his family will be entitled to conveyance allowance only at the following rates provided it is certified by the Medical Authorities mentioned in Regulation 47(b) that it was necessary for the employee or members of his family to travel by a conveyance:

(a) For the employee: Actual conveyance charges limited to mileage allowance at tour rates under the rules in force (without daily allowance).

(b) For the members of his Family: Actual conveyance charges limited to half the mileage allowance at tour rates (without daily allowance) admissible to the employee himself under the rules in force.

49. An attendant/escort shall be entitled to Travelling Allowance both ways at the rates admissible under these Regulations to a member of the family of the employee concerned, provided it is certified in writing by the medical authorities mentioned in Regulation 47(b) that it was unsafe for the patient to travel unattended and that an attendant/escort was necessary to accompany him/her to the place of treatment. Similarly, Travelling Allowances shall also be admissible if it becomes necessary for an attendant/escort to travel again to fetch the patient on production of the necessary certificate mentioned above.

50. Except as otherwise provided in these Regulations, the journey for the purpose of this section shall be deemed to have commenced from the place where the patient actually travels to the place of treatment and the return journey to have ended at the place to which the patient actually travels or at the normal residence of the employee concerned, whichever is nearer.

51. (i) Advance of Travelling Allowance to the extent admissible under these Regulations may be granted to employees at the discretion of the authority competent to sanction advance of Travelling Allowance on tour on production of a certificate in writing from the Medical Authorities mentioned in Regulation 47(b) above to the effect that the employee or a member of his/her family has been advised medical attendance and treatment outside the Station (name of the Station at which the patient has been recommended medical attendance and treatment to be specified), in accordance with these Regulations.

(ii) The advance for Travelling Allowance for medical attendance and treatment shall unless otherwise specified, be treated as an advance on tour, and shall accordingly be subject to the following conditions.

(a) In the case of temporary employees, the advance would be subject to the production of surety from a permanent employee.

(b) The amount of advance shall be adjusted against the subsequent claim for Travelling Allowance on completion of journey.

(c) A second advance shall not be admissible under these Regulations until an account has been rendered of the first advance.

52. Interpretation: If any question arises relating to interpretation of these Regulations, it shall be referred to the Chairman, whose decision shall be final.

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 18th June, 1969.

(2nd time)

Corrigendum

MPT/3 GA (8)/69

Against item No. 23(a) of the Schedule of Harbour and Railway Rates published in the Boletim Oficial No. 21, Series I dated the 31st May, 1962, the words "de Ferro" in column 2 Portuguese version and word "iron" in column 3 English version be deleted.

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 28th June, 1969.